GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Tribal Welfare Department – West Godavari District - Revision Petition filed by Sri Pappu Suraiah and Pappu Satyanarayana S/o. Late Chandraiah, R/o Pattennapalem Village, Jangareddygudem Mandal, West Godavari District against the orders of the Agent to Government, West Godavari, dt:28-05-2001 in SRA. No.2/90, with regard to AC 11. 40 cts in R.S. No 6/2A, 6/2B, 6/2C, 6/2D at Sitaramanagaram in Battaigudem Mandal, West Godavari District – Dismissed – orders – issued.

SOCIAL WELFARE (TW.LTR-1) DEPARTMENT

G.O.MS.No. 108 **Dated: 23-11-2016**
Read the following:-

1. Revision Petition filed by Sri Pappu Suraiah and Pappu Satyanarayana S/o. Late Chandraiah, West Godavari, dated:05.07.2001.
2. Govt.Memo.No. 11020/LTR-1/2001, dt.01.08.2001.
3. From the Agent to Government/Special Deputy Collector, K.R.Puram, West Godavari District, Roc.No.86/2003(A), dt.27.04.2008.
4. Govt.Lr.No.11020/LTR-1/2001, dt.03.05.2016.

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ORDER:-

In the reference 1st read above, Sri Pappu Suraiah and Pappu Satyanarayana S/o. Late Chandraiah, R/o Pattennapalem Village, Jangareddygudem Mandal, West Godavari District has filed Revision Petition before the Government against the orders of the Agent to Government, Eluru, West Godavari in SRA. No.2/90, dt:28-05-2001, whereby the District Collector has confirmed the Order of eviction of the Petitioners here in (who are successors of P.Chandraiah), by the Special Deputy Collector, Tribal Welfare, K.R.Puram, in S.R.No.94/85 and S.R.No.95/85, from the land measuring an extent of Ac.11.40cts in R.S.No.6/2A, 6/2B, 6/2C, 6/2D of Seetharamanagaram in Buttaigudem Mandal, West Godavari District.

2. The Government, in the reference 2nd read above, have admitted the said Revision Petition and requested the Agent to Government, Eluru, West Godavari District to furnish the parawise remarks and connected records on the Revision Petition.

3. In the reference 3rd read above, the Additional Agent to Government/ Special Deputy Collector, K.R. Puram, West Godavari District has furnished parawise remarks along with the connected records.

4. The Grounds of the Revision in Brief are that the Orders of Special Deputy Collector and Agent to Government are contrary to law. The Revision Petitioners and their ancestors in title have been in possession even prior to 1917, the documents were not properly examined and hence asked to set aside the Orders passed by the lower authorities.

(P.T.O)

5. The Order of Agent to Government is that the Revision Petitioners are non-tribals. The contention of the petitioners is that the schedule land was acquired by their ancestors and the said property was devolved on them by inheritance, that the RSR of 1933 of Sitaramanagaram village reveals that Pydamuthyalu and Chevalammuthyalu who are tribals are the Pattadars of the schedule land. So the Petition Schedule Land in the agency area is Patta land of Tribals. The Revision Petitioner herein has failed to file any documentary evidence to prove otherwise. Hence the possession of Petitioners here in is illegal and unlawful and violative of A.P. SA. LT Regulation 1 of 59 as amended by Regulation 1 of 70 and also as per the provisions of Agency Tracts Interest and Land Transfer Act 1/ 1917 dated. 14-8-1917. The section 4 of Agency Tracts Interest and Land Transfer Act prohibits alienation of Land of Hill Tribes to any non- tribe except by the previous consent in writing of the Agent to Government or any other prescribed Officer.

6. The Sec. 4 thus squarely Prohibits transfer of immovable property of Hill Tribe except by written Permission of Agent to Government. In the absence of proof of such permission and a Registered Document, any such alienation would be null and void and such alienee is liable to be ejected.

7. The Special Deputy Collector ordered for eviction of the Revision Petitioners (Chandriah, Suriah) and found that the land shall be restored to Chavalammuthyalu and Pydamutyalu. The exhibit R1 to R4 are true copies of 10(1) account and adangals, but Exhibit C1 is the true copy of Resettlement Register of the year 1933 and it discloses Pydamuthyalu and Chavalam muthyalu as pattadars.

8. Against the said Order of Special Deputy Collector, appeal filed before Agent to Government, West Godavari and the same is dismissed. While so the Petitioners here in filed Writ Petition in W.P. 14247/2001 and the same was disposed off on 12-07-2001 directing the Government to dispose of the present Revision Petition and to maintain the status-quo with regard of possession pending disposal of Revision Petition.

9. The matter having been stood over for consideration, was adjourned from time to time and finally taken up for hearing and after hearing the arguments of counsel for the revision petitioners on 14-05-2016, it has been observed that despite several opportunities, the Revision Petitioners herein did not file any documents additionally. Finally when the matter came for hearing on 14-05-2016, the counsel for Petitioners filed written arguments saying that on 16-6-1913, Accum Veeriah son Baapaniah purchased AC 9-12 cents from Macala Pentiah in Sy.No. 173 and the said Sale Deed, the Western Boundary is shown as Pappu Ramiah. He also denied the RSR and alleges that Tribal's were never in possession. But the so called Sale Deed of 3rd parties was never filed despite several opportunities having been given to Petitioners here in.

10 In fact the Government, as Revision Authority is very liberal in receiving the documents, irrespective of stage of the matter, in order to ensure that the Principles of Natural Justice are adhered to at any cost. But the revision petitioners did not avail the same despite of having been given several opportunities. The case records perused are against the petitioners herein.

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11. Nothing prevents the Petitioners from getting Patta, if their claim of Possession for such a long time, even if it is presumed to be true. But no such attempt was made by Petitioners or Ancestors at any point of time. But the RSR 1933 would always stare at their face which discloses that subject land is basically of Hill Tribes and it is governed by the provisions of Agency Tracts Land Transfer Act 1917.

12. In view of the above facts and circumstances the Government is of considered view that there is no irregularity committed by both the lower authorities during the adjudication of the above dispute. In the result the Revision Petition fails and hence it is dismissed as is devoid of any merits.

13. The Additional Agent to Government/ District Collector, West Godavari District, Eluru is requested to take necessary action in the matter accordingly.

14. The original records bearing SRA. No.2/90 and SR.No.94/85, 95/85 received from the Agent to Government/ District Collector, West Godavari District, Eluru through reference 3rd read above, is returned herewith and he is requested to acknowledge the receipt of the same immediately.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

R.P. SISODIA
PRINCIPAL SECRETARY TO GOVERNMENT

To:
The District Collector & Agent to Government, West Godavari District, Eluru. (w.e. original record)
The Special Deputy Collector(TW), Kotaramachandrapuram, West Godavari District.
The Mandal Revenue Officer, Buttaigudem Mandal, West Godavari District.
Copy to:
Sri Naram Nageswar Rao, Advocate, Flat No.201, A.M.R Residency, H.No.1-1-270/A, Street No.1, Chikkadapalli, Hyderabad-500020.
Sri. Pappu Suraiah S/o. Late Chandraiah, R/o. Pattennapalem, Jangareddygudem (M), West Godavari District.
Sri. Pappu Satyanarayana S/o. Late Chandraiah, R/o. Pattennapalem, Jangareddygudem (M), West Godavari District.
The P.S to Hon'ble Minister (SWE & TWE) for information.
The P.S to Principal Secretary to Government (TW).
SF/SC.

//FORWARDED::BY ORDER//

SECTION OFFICER